

The Congress shall have power * * * to exercise exclusive legislation in all cases whatsoever over such district (not exceeding 10 miles square) as may, by cession of the particular States and the acceptance of Congress, become the seat of Government of the United States, and,

To exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be for the erection of forts, magazines, arsenals, dockyards, and other needful buildings.

33. Cession of jurisdiction, unless qualified, means exclusive jurisdiction.—Where a State statute cedes jurisdiction, without qualifying terms, Federal authority over such areas becomes complete when jurisdiction is accepted. It is not essential that the cession statute expressly indicate that exclusive jurisdiction is intended. A Nebraska statute ceding to the United States “jurisdiction over the military reservations” therein named, was interpreted by the Supreme Court of the United States as vesting the United States with “entire” jurisdiction over the reservations named, save in the matter of the right of executing process and opening and repairing roads as therein expressly reserved.¹

34. Meaning of “exclusive jurisdiction” as used in State cession statutes.—Many State cession statutes cede exclusive jurisdiction to the United States. The term “exclusive jurisdiction” as used in such statutes is recognized by the courts as being synonymous with the power to “exercise exclusive legislation”, as the latter term is used in the Constitution.² To say that the United States has acquired exclusive jurisdiction over lands within a State, means that the State has relinquished to the Federal Government all authority to enforce its own laws within such areas. In the *Mason* case,³ Chief Justice Hughes, speaking for the Court, observed “that question (of exclusive territorial jurisdiction) assumes the absence of any interference with the exercise of the functions of the Federal Government and is whether the United States has acquired exclusive legislative authority so as to debar the State from exercising any legislative authority, including its taxing and police power, in relation to the property and activities of individuals and corporations within the territory. The acquisition of title by the United States is not sufficient to effect that exclusion. It must appear that the State, by consent or cession, has transferred to the United States that residuum of jurisdiction which otherwise it would be free to exercise.” From this, it follows that a reservation by the State to enforce any of its own laws within a ceded area would be incompatible with the exclusive jurisdiction of the United States within such area.

¹ *United States v. Unzeuta*, 281 U. S. 138, 142, 50 S. Ct. 284.

² *Fort Leavenworth v. Lowe*, 114 U. S. 525, 538, 5 S. Ct. 995; *James v. Dravo Contracting Co.*, 302 U. S. 134, 141, 58 S. Ct. 208; *Western Union Telegraph Co. v. Chiles*, 214 U. S. 274, 278, 29 S. Ct. 613; *United States v. Bevans*, 3 Wheat. 336, 387; *United States v. Wurtzbarger*, 276 Fed. 753, 755.

³ *Mason v. Tax Commission*, 302 U. S. 186, 197, 58 S. Ct. 233.